

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

David Billups

Plaintiff(s)

vs.

James McWeeney, MD, et al.,

Defendant(s)

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Case Number: 1:01-cv-377

Senior District Judge S. Arthur Spiegel

JUDGMENT IN A CIVIL CASE

Decision by Court: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

. . . Accordingly, the Court DENIES Plaintiff's Motion to Set Aside the Court's Order of December 30, 2003 (doc. 146), AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 149), ADOPTS such Report and Recommendation in all respects, and GRANTS Defendant Obregon's Motion for Summary Judgment on Plaintiff's Eighth Amendment Claim (doc. 123). The Court DENIES Plaintiff's Objections to the Magistrate Judge's Order (doc. 153), and AFFIRMS such Order (doc. 150) to the extent the Court concludes that any amendment to Plaintiff's claim for denial of access to courts, or further discovery regarding such claim, would be futile as such claim fails as a matter of law. As there are no remaining claims or Defendants in this case, the case is DISMISSED from the Court's docket.

4/28/04

James Bonini, Clerk

s/Kevin Moser

Kevin Moser

Deputy Clerk

Pursuant to S. D. Ohio Civ. R. 79.2(a) and (b), all models, diagrams, depositions, photographs, x-rays and other exhibits and materials filed or offered in evidence shall be withdrawn by counsel without further Order within six (6) months after final termination of the action. All materials not withdrawn shall be disposed of by the Clerk as waste.